

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MOSES E. MENDEZ

v.

CIVIL ACTION NO. 4:07-CV-04326
JURY

BED, BATH, & BEYOND, INC.

PLAINTIFF'S MOTION TO REMAND TO STATE COURT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Moses E. Mendez, plaintiff, files this his motion to remand this cause to state court and shows the following:

1. This action was originally filed in state court, as Case no. 2007-67483, Mendez v. Bed, Bath & Beyond, Inc., in the 281st Judicial District Court, Harris County, Texas

2. Defendant removed plaintiff's original petition in state court to this court.


3. Plaintiff has, contemporaneously with the filing of this motion, filed his stipulation that his damages in the captioned action, exclusive of interest, costs, and attorney fees does not exceed \$75,000.00, and plaintiff so stipulates here.

4. Accordingly, this court is without jurisdiction and should remand this action to state court, specifically to the court in which the action was originally filed.

Wherefore, plaintiff moves this court to grant his motion to remand and to remand this action to the Honorable 281st Judicial

District Court, Harris County, Texas, from which it was removed.

Respectfully submitted,

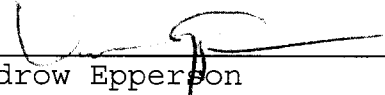

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Texas Bar no. 06637000
So. Dist. no. 143

Attorney in charge for
Moses E. Mendez

CERTIFICATE OF SERVICE

The foregoing pleading was served in accordance with the Federal Rules of Civil Procedure upon all attorneys and persons entitled to receive service thereof as shown below on this 7th day of February, 2008.


/s/


Woodrow Epperson

Paul E. Hash
Jackson Lewis LLP
3811 Turtle Creek Blvd, Suite 500
Dallas, TX 75219

CERTIFICATE OF CONFERENCE

This certifies that I attempted to confer with counsel set forth below concerning the above motion, was unable to and do not know whether he is opposed to the motion to remand on this 7th day of February, 2008.


Woodrow Epperson

Paul E. Hash
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ORDER

Plaintiff's motion to remand to state district court is granted and this action is ordered remanded to the 281st Judicial District Court, Harris County, Texas.

SIGNED this ____ day of _____, 2008.

United States District Judge

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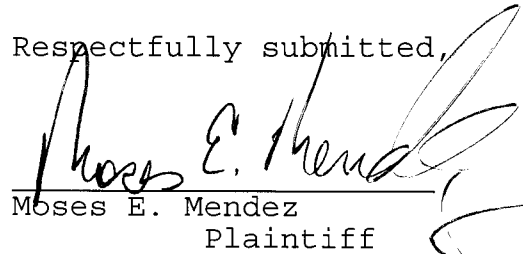
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PLAINTIFF'S STIPULATION REGARDING AMOUNT IN CONTROVERSY

Plaintiff stipulates that the amount of his alleged damages in his claims against defendant, in the captioned action exclusive of interest, costs, and attorney fees does not exceed \$75,000.00.

Respectfully submitted,



Moses E. Mendez
Plaintiff




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Attorney in Charge for
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CERTIFICATE OF SERVICE

The foregoing pleading was served in accordance with the Federal Rules of Civil Procedure upon all attorneys and persons entitled to receive service thereof as shown below on this 28th day of ~~January~~ Feb., 2008.



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